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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92052260
Party	Defendant Edgar Alexander Barrera
Correspondence Address	EDGAR ALEXANDER BARRERA BY MELISSA BARRERA POWER OF ATTORNEY 22159 LADERA STREET GRAND TERRACE, CA 92313 UNITED STATES axlellism@netbusiness.com
Submission	Other Motions/Papers
Filer's Name	Edgar Alexander Barrera
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Date	04/03/2015
Attachments	trademark april 2015.pdf(226997 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Cancellation No. 92/052,260
(Serial No. 77/378,015)

RESPONDENT'S RESPONSE TO OPPOSITION
OF THE PETITIONER'S MOTION TO ACCEPT DELAYED
RESPONSE TO THE ORDER TO SHOW CAUSE

The Petitioner has not yet sent his response to the Respondent via First Class Mail, postage prepaid, and also it has not sent to my correct address either. I have been constantly waited for it but nothing from the Plaintiff to my correct one: Edgar Alexander Barrera, Respondent, 22159 Ladera Street, Grand Terrace, CA 92313. The Petitioner did not send it properly anyway and thus it should be voided.

The undersigned by **Edgar Alexander Barrera**, the Respondent in this particular matter:

"AFFIDAVIT OF PETITIONER'S ATTORNEY"

"Mark Levy, attorney for the Petitioner, affirms the following facts."

'1. On February 12, 2015, I completed a Response to the Order to Show Cause dated January 28, 2015 and forwarded same to my paralegal, Ms. Amy Manzer, by email. I expect the completed response would be filing that evening or, at the latest, the morning of February 13, 2015."

"3. In the normal course of business, I often correspond with Ms. Manzer by email."

This is what the Petitioner's Attorney is stating in his own exact words on "Page 1 of 3."

The Petitioner's Attorney correctly states he had to give a Response to the Order to Show Cause dated January 28, 2015.

The Board stated on that particular date: "In view thereof, Petitioner is allowed fifteen days from the date of this order to show cause why judgment should not be rendered against him for failure in to prosecute this case, failing which judgment may be entered against Petitioner."
"Mailed: January 28, 2015"

Wednesday, January 28, 2015 "Petitioner is allowed fifteen days from the date of entry this order" which is allowed until Wednesday, February 11, 2015. Very simple, but the Petitioner's Attorney states he will respond on February 12, 2015 a day later. And states he expect the

complete response would be filing that evening or, at the latest, the morning of February 13, 2015. Which is two days after the allowed fifteen days of this order.

The "Affidavit of Petitioner's Attorney Paralegal, Amy Manzer" states she: "was in a severe accident on February 8, 2015, deploying her air bags, injuring her chest and back, and totaling the car. Ms. Manzer visited a physician at the local hospital to receive medical treatment for her back on February 10, 2015. If she was injured why did she wait three days to receive medical treatment. And all of this happened before the evening of February 12, 2015 or the morning of February 13, 2015 which is two days after the allowed fifteen days of the Board order. By in their own words state it was not going to be sent in the correct time before her accident.

Likewise the Petitioner's Attorney also states: ""In the normal course of business, I often correspond with Ms. Manzer by email." He would have then known this already had happened since he corresponds in the normal cause by email daily with her. The whole story does not add up at all about this particular matter.

Wendy Boldt Cohen, Interlocutory Attorney sent:
"Mailed: January 28, 2015"

"Notwithstanding the foregoing, the Board notes that the time for Petitioner to take testimony has expired² and the record demonstrates that Petitioner has failed to submit any evidence or take any testimony during its assigned testimony period. Cf. Trademark Rule 2.132 and TBMP § 534. In view thereof, Petitioner is allowed fifteen days from the date of this order to show cause why judgment should not be rendered against him for failure to prosecute this case, failing which judgment may be entered against Petitioner. Id. Proceedings are otherwise suspended. Any paper filed during the pendency of this show cause order which is not relevant thereto will be given no consideration. ² Petitioner's trial period ended July 29, 2014."

I respectfully request this Honorable Board as the interest of justice can be served.

Respectfully submitted by:



Edgar Alexander Barrera, Respondent
22159 Ladera Street
Grand Terrace, CA 92313

Dated: April 3, 2015